

**Plaintiff  
Jackie Fisher's**

**Response in Opposition  
to Defendants'**

**Motion for  
Summary  
Judgment**

**EXHIBIT**

**47**

Sep 28 2007 10:40

Law Office of Jo Miller,

939-539-4408

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## MANAGED CARE

301 University Boulevard (mailing address)

Galveston, Texas 77555-1008

Telephone: (409) 747-2600

Fax: (409) 762-0311

John S. Pemberton, SPHR

Director of Human Resources



3/9/2007

Ms. Jackie Fisher  
1150 FM 2296 Road  
Huntsville, TX 77340

Dear Ms. Fisher:

This letter is to notify you of UTMB's resolution of your complaint of racial discrimination and retaliation filed in April 2006. You will receive back pay from May 6, 2006 through December 15, 2006. The amount of your payment will be \$3,907.41, before taxes. This will be processed through regular payroll and should appear on your statement of earnings for 3/30/07.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Pemberton", is written over a horizontal line.

John S. Pemberton

cc: M. Williams  
M. Gotcher  
S. Rader  
J. Allen  
K. Shingleton

Suite 917 U.S. National Bank Building, 2201 Market Street (location)

Fisher-200047

Sep 28 2007 10:40

Law Office of Jo Miller,

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**Jo Miller**

Attorney at Law

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March 15, 2007

Mr. John S. Pemberton  
UTMB Managed Care  
301 University Boulevard  
Galveston, TX 77555-1008

Dear Mr. Pemberton:

I have been retained to represent Ms. Jackie Fisher in her employment related issues against UTMB Managed Care - UTMB Health Care Systems, Inc. Ms. Fisher and I have had the opportunity to review your letter dated March 9, 2007 in which you offer her \$3,907.41, before taxes, in resolution of her complaints of racial discrimination and retaliation. It is also noted that you have confined the back pay offer to the period of May 6, 2006 through December 15, 2006, for some unknown reason not apparent on the face of the offer. You have not addressed the issue of reinstatement at all. As you know, she currently remains in the position to which she was wrongfully demoted. This is unacceptable.

Ms. Fisher requested, but has not received, findings of fact and resulting conclusions regarding the grievances and an appeal, upon which you must have based this offer. Please provide me with the same.

Additionally, please be advised that Ms. Fisher rejects this partial offer of settlement without the attendant reinstatement remedy and absent the full back pay through date of reinstatement. Accordingly, if indeed, you proceed with paying her the incomplete back pay for the limited time period without reinstatement to her prior position, she will have no choice but to immediately turn over the monies received to me to be deposited to my IOLTA trust account. The funds will sit in my IOLTA account, without interest, until a full and complete resolution of Ms. Fisher's claims can be had.

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Please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,



Jo Miller

cc: M. Williams  
M. Gotcher  
S. Radar  
J. Allen  
K. Shingleton

Fisher-200048